

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BETTY ANN LONG
2559 Polk Ave.
Ogden, UT 84401

Registered Nurse License No. 575186

Respondent

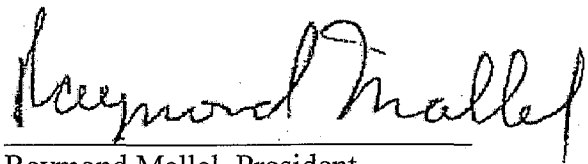
Case No. 2012- 694

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 17, 2012.**

IT IS SO ORDERED **September 17, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KATHERINE MESSANA
Deputy Attorney General
4 State Bar No. 272953
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Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-694

13 **BETTY ANN LONG**

14 2559 Polk Ave.
Ogden UT 84401

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Registered Nurse License No. 575186

16 Respondent.

17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
20 will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the
24 Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
26 Katherine Messana, Deputy Attorney General.

27 2. Betty Ann Long ("Respondent") is representing herself in this proceeding and has
28 chosen not to exercise her right to be represented by counsel.

1 3. On or about December 18, 2000, the Board of Registered Nursing issued Registered
2 Nurse License No. 575186 to Betty Ann Long (Respondent). The Registered Nurse License
3 expired on May 31, 2002, and has not been renewed.

4 **JURISDICTION**

5 4. Accusation No. 2012-694 was filed before the Board of Registered Nursing
6 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
7 Accusation and all other statutorily required documents were properly served on Respondent on
8 May 10, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy
9 of Accusation No. 2012-694 is attached as Exhibit A and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 2012-694. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2012-694, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
26 License No. 575186 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation she enables the Board to issue
28 an order accepting the surrender of her Registered Nurse License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a surrendered license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2012-694 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$782.50. Respondent shall be permitted to pay these costs in a
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 2012-694 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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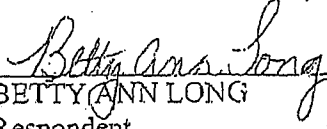
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

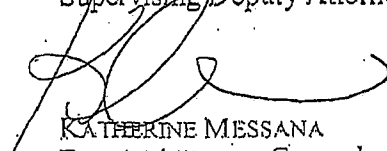
July 5, 2012
BETTY ANN LONG
RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


KATHERINE MESSANA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-694

1 KAMALA D. HARRIS
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2 GLORIA A. BARRIOS
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3 KATHERINE MESSANA
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012 - 694

13 **BETTY ANN LONG AKA BETTY**
14 **COURNEY LONG**

ACCUSATION

15 16 Sylvia Drive
16 S. Ogden, UT 84405

17 Registered Nurse License No. 575186

18 Respondent.

19 Complainant alleges:

PARTIES

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about December 18, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 575186 to Betty Ann Long aka Betty Courney Long ("Respondent"). The
25 Registered Nurse License expired on May 31, 2002, and has not been renewed.

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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

“The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

7. Section 2761 of the Code states, in pertinent part:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

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1 8. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the
3 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

4 (a) Obtain or possess in violation of law, or prescribe, or except as
5 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
6 himself or herself, or furnish or administer to another, any controlled substance as
defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

7 (b) Use any controlled substance as defined in Division 10 (commencing
8 with Section 11000) of the Health and Safety Code, or any dangerous drug or
9 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
10 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license.

11 (c) Be convicted of a criminal offense involving the prescription,
12 consumption, or self-administration of any of the substances described in
13 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

14 (d) Be committed or confined by a court of competent jurisdiction for
15 intemperate use of or addiction to the use of any of the substances described in
subdivisions (a) and (b) of this section, in which event the court order of commitment
or confinement is prima facie evidence of such commitment or confinement.

16 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
17 unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.”

18 **COST RECOVERY**

19 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Disciplinary Action by the State of Utah)**

25 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
26 the Code on the grounds of unprofessional conduct in that on or about July 11, 2007, the State of
27 Utah Department of Commerce Division of Occupational and Professional Licensing (“Utah
28

Board") adopted a Stipulation and Order in the disciplinary matter entitled *In the Matter of the License of Betty Courney Long to Practice as a Registered Nurse in the State of Utah*, Case No. DOPL 2007-149. This Stipulation and Order revoked Respondent's license, immediately stayed the revocation, placed Respondent's license on suspension and a five (5) year probationary period. The circumstances underlying the disciplinary action are, as follows:

11. Between about May 24, 2004 and about May 15, 2007, Respondent was employed as a registered nurse at McKay-Dee Hospital ("MDH") in Ogden, Utah.

12. On or about May 12, 2007, Respondent was observed by staff to exhibit impaired behavior during her shift in the Neonatal Intensive Care Unit (NICU) at MDH. Respondent provided a breath sample for a breathalyzer test. Her blood alcohol content was 0.232%.

13. On or about November 21, 2005, Respondent pleaded guilty in Utah District Court to one count of failure to remain at the scene of an automobile accident, a Class B misdemeanor, and one count of improper backing, a Class C misdemeanor.

14. On or about April 25, 2006, Respondent was arrested by Ogden police and later charged with two counts of assault, one count of domestic violence in the presence of a child, and one count of public intoxication. On or about June 26, 2006, Respondent pleaded guilty to one count of simple assault. The guilty plea was held in abeyance. On or about December 29, 2006, Respondent pleaded guilty to one count of simple assault, a Class B misdemeanor in Utah Second District Court in Ogden. The remaining charges were dismissed.

15. On or about January 5, 2007, Respondent submitted an application for renewal of her Utah registered nurse license. Respondent swore that she had not pleaded guilty to, pleaded no contest to, been convicted of, entered into a plea in abeyance agreement, or entered into a deferred sentence agreement, with respect to any felony or misdemeanor in any jurisdiction since she last her Utah registered nurse license renewed. Respondent also swore that she had not been charged with or arrested for any felony or misdemeanor in any jurisdiction since she last renewed her Utah registered nurse license.

16. On or about January 22, 2007, Respondent was arrested by Ogden police and later charged with one count of driving under the influence of alcohol, one count of possessing an open

1 container or drinking alcohol in vehicle, one count of improper lane usage and one count of red
2 light violation. On or about January 23, 2007, Respondent pleaded guilty to one count of driving
3 under the influence of alcohol/drugs, a Class B misdemeanor, in Ogden City Justice Court. The
4 remaining charges were dismissed.

5 17. On or about June 21, 2007, Respondent was sentenced to thirty (30) days in the
6 Weber County Jail for violating the terms of her probation.

7 18. On or about July 11, 2007, Respondent and the Utah Board entered into the
8 Stipulation and Order described in paragraph 10, above, inclusive and herein incorporated by
9 reference.

10 19. On or about November 18, 2008, the Utah Board entered an Amended Order in this
11 disciplinary action. The Amended Order terminated Respondent's suspension and placed her on
12 probation for five (5) years with terms and conditions.

13 20. On or about January 15, 2009, Respondent was arrested in Utah and later charged
14 with one count of public intoxication and one count of child neglect. The charges were later
15 amended to one count of disorderly conduct. Respondent failed to report her arrest to the Utah
16 Board as required by the Stipulation and Order. This was in violation of the terms and conditions
17 of her probation.

18 21. On or about April 15, 2009, the Utah Board entered into a Stipulation and Order with
19 Respondent in the disciplinary matter entitled *In the matter of the License of Betty Courney Long*
20 *to Practice as a Registered Nurse in the State of Utah*, Case No. DOPL 2009-98. In the
21 Stipulation and Order Respondent agreed that she violated the terms and conditions of the
22 Stipulation and Order in DOPL Case No. 2007-149.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 22. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
26 Code on the grounds of unprofessional conduct in that Respondent presented under the influence
27 of alcohol at her place of employment, has multiple convictions involving the use of alcoholic
28 beverages and failed to disclose her convictions or arrests on her application for renewal of her

1 license. The conduct is described in more particularity in paragraphs 10 through 21, above,
2 inclusive and herein incorporated by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Alcohol Related Transgressions)**

5 23. Respondent is subject to disciplinary action under section 2762, subdivision (b) of the
6 Code in that Respondent used alcoholic beverages in a manner dangerous or injurious to herself
7 and others. The conduct is described in more particularity in paragraphs 10 through 21, above,
8 inclusive and herein incorporated by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 575186, issued to Betty Ann Long aka Betty Courtney Long;
2. Ordering Betty Ann Long to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 10, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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